



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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### Public Notice – Environmental Regulation Non-Metallic Mineral Mining General Permit Reissuance

**Notice of intended action:** The State Water Control Board intends to consider drafting a proposal for the amendment of a general permit regulation on water quality. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency. This general permit regulation will allow the release of treated wastewater and storm water into waters of the Commonwealth for those who register for coverage under this permit.

**General Permit Regulation name:** Virginia Pollutant Discharge Elimination System Permit (VPDES) for Non-Metallic Mineral Mining 9 VAC 25-190 (VAG 84). Effective 7-1-2004, expires 6-30-2009.

**Purpose of notice:** The board is seeking comments through the Department of Environmental Quality on the intended regulatory action, including but not limited to 1) ideas to assist the board in the development of a proposal 2) the costs and benefits of the alternatives stated in this notice or other alternatives and 3) effects of the regulation on farm forest land preservation and 4) persons interested in participating on an advisory committee. The board is also seeking information on impacts on small businesses.

**Public comment period:** November 26, 2007 to January 7, 2008.

**Public meeting:** No public meeting.

**Public comment stage:** Notice of Intended Regulatory Action

**Subject matter and intent of proposal:** The intended regulatory action will set forth requirements for the permitting of discharges from nonmetallic mineral mining operations classified under Standard Industrial Classification (SIC) Codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 (excluding bentonite and magnesite mines), 1475 and 1499 (excluding gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral mines). Coal mining, metal mining and oil and gas extraction are not covered by this general permit. The proposed general permit reissuance consists of limitations and/or quarterly monitoring requirements on discharges of commingled storm water and process wastewater to surface waters for the following parameters: flow, no limit, report monthly average and daily maximum; total suspended solids, 30 mg/l avg, 60 mg/l max; pH, 6.0 min, 9.0 max; total petroleum hydrocarbons, report maximum if outfalls receive process wastewater from vehicle/equipment washing. It also consists of yearly monitoring requirements on discharges of storm waters that do not combine with other wastewaters to surface waters for the following parameters: flow, report volume discharged during monitored storm event; total suspended solids, report maximum; pH, report minimum and maximum. The regulation requires development of a storm water pollution prevention plan and sets forth the minimum information requirements for all requests for coverage under the general permit.

**Advisory committee:** The board is using an advisory committee to develop a proposal. Persons interested in assisting in the development of a proposal should notify the DEQ contact person by the end of the comment period and provide their name, address, phone number, email address and affiliated organization (if any). The primary function of the advisory committee is to develop recommended

regulation amendments for DEQ consideration through the collaborative approach of regulatory negotiation and consensus. Multi-applications from a single company, organization, group or other entity count as one for purposes of making a decision through the collaborative approach. Notification of the composition of the advisory committee will be sent to all applicants.

**How to comment:** DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. All exhibits and documents received are part of the public record.

**How a decision is made:** After comments have been considered, the board will decide whether to take action on a proposal. If the board decides to consider the regulation, there will be another public comment opportunity, including a public hearing. After these comments have been considered, the board will make the final decision.

**To review regulation documents:** The agency background document (including purpose, statutory authority, need, substance of planned regulatory changes, alternatives and the family impact statement) is available on the Town Hall web site at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) and by contacting the DEQ representative named below. There are no regulation amendments available for public comment at this time. The public may review the documents at the address below or <http://www.deq.virginia.gov/vpdes/>.

**Contact for public comments, document requests and additional information:** Elleanore Daub, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219. Phone: (804) 698-4111 E-mail: [emdaub@deq.virginia.gov](mailto:emdaub@deq.virginia.gov) Fax: (804) 698-4032